

### **DETAILED ACTION**

1. This action is in response to amendment filed on 10/31/2007. Claims 3, 5, 8-15, 17-21, and 23-44 have been previously cancelled. Claim 1 has been amended. Claims 49-51 are newly added claims. Claims 1-2, 4, 6-7, 16, 22, and 45-51 are pending examination.

### **Double Patenting**

2. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6269348, 5870723 and 5838812. Although the conflicting claims are not identical, they are not patentably distinct from each other because at least claim 1 of the identified patents can be read on claim 1 of this application in the manner set forth below.

Claim 1 of 348', 723' and 812' teach the steps of claim 1 of the present application except for *making a donation to an account responsive to an amount debited*. However, Hovakimian US Patent No. (5,466,919), teaches *making a donation to an account responsive to an amount debited*. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Hovakimian into the disclosure of Merjanian in order to generate much self satisfaction in an individual, knowing that he could help others.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 6-7, 16, 22, and 45-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merjanian 471' in view of Hovakimian US Patent No. (5,466,919) referred to hereinafter as Hovakimian and in further view of Marion US Patent No. (6,073,840) referred to hereinafter as Marion.

Merjanian disclose with respect to the authentication system for use with a computer terminal col. 9 or the example of the Medicaid recipient of co1.11 lines 1-21, which do not involve a smart card and thus, is "tokenless".

Applicant defines scrip as a unit that has tender or real face value when used with a participating scrip program merchant see specification p. 2 lines 5-6. The unit in the welfare or Medicaid embodiments is read as the value of the defined benefit. Merjanian discloses a scrip supporter read as the Patient who uses a Medicaid benefit; Merjanian discloses a scrip donator read as the Medicaid agency; Merjanian discloses a scrip beneficiary read as health care provider rendering the service.

Merjanian discloses receiving a scrip supporter bid biometric sample (col. 9 lines 41,42 finger print data is conveyed via interface 40 to data base 24 for the supporter who is read as the medicaid recipient, a scrip supporter registers with an electronic identifier at least one registration biometric sample (see col. 9 lines 31-33, fingerprint data must

match predetermined parameters which parameters inherently require the step of registration); and a scrip donator identification step read as Medicaid who controls the account;

comparing the scrip supporter bid biometric sample with at least one registration biometric sample from the scrip supported for producing either a successful or failed identification of the scrip supporter Col. 9, line 33 a match is sought against the two data for the finger prints);

upon successful identification of the scrip supporter, settling a scrip transaction by debiting an account of a scrip donator (scrip donator is read as the Medicaid which debits the health account obvious variant of debit being at a minimum, the lessening of future benefits] of the donator in favor of crediting the account of the beneficiary (i.e. the health service provider)).

Regarding the limitations of electronic script, the use of food health account credits is read as the use of an electronic script or its obvious equivalent. Terms, i.e., donator, supporter are all terms which are met by the Medicaid embodiment of Merjanian without recitation of contrary definitions in the claims.

Re claim 16: Medicaid accounts are determined to see if sufficient coverage exists before services are rendered.

Re claim 22: Merjanian teaches fingerprint recognition.

*Furthermore: Merjanian does not expressly teach making a donation to an account responsive to an amount debited; automatically making the donation to the account of the scrip beneficiary responsive to a predefined percentage of purchases transacted by the scrip supporter; and wherein the beneficiary is one of a non-profit entity, a public school, a charity and a civic organization.*

*However, Hovakimian teaches making a donation to an account responsive to an amount debited; automatically making the donation to the account of the scrip beneficiary responsive to a predefined percentage of purchases transacted by the scrip supporter; and wherein the beneficiary is one of a non-profit entity, a public school, a charity and a civic organization. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Hovakimian into the disclosure of Merjanian in order to generate much self satisfaction in an individual, knowing that he could help others.*

Re: Claim 51, Official Notice is taken by the examiner that tracking a donation so that one can report the donation as a tax deduction is old and well known in the art.

5. Claims 2,4,6,7,45,46,48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merjanian in view of Hovakimian as applied to the claims above, and further in view of Marion US Patent No. (6,073,840) referred to hereinafter as Marion. Merjanian appears to be silent on using both a code and a biometric to secure script credits. Marion discloses the use of both an ID code and physical biometrics to affect an on/off condition in a hardware device with security concerns. It would be obvious to modify the device in Merjanian to include the dual biometric component system of Marion the motivation being further assurance that the person is who the code says s/he is.

Re claim 4: The plurality of the sample from a plurality of users is natural result of plural users.

RE claim 6: the ID code associated with the user in Marion caused the voice scan to be made against the voice in the database.

Re claims 16: the Medicaid account is read as the donor account and is the script service merchant which gets presented the results of the transaction.

### ***Response to Arguments***

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

7.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form 892 for cited prior art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSSA A. SHAAWAT whose telephone number is (571)272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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